

REMARKS

Claims 17, 46, 62, 63, and 95 have been amended. Claims 17, 46, 59 to 66, 77 to 79, 87 to 89, and 95 are pending and under consideration.

The amendment to claim 17 merely adds the language "complete" and adds no new matter. The amendments to claims 46, 62, and 63 merely add the word "isolated" and add no new matter. The amendment to claim 95 merely changes the language "...hybridizes to the complement of the nucleic acid sequence of SEQ ID NO: 70..." to the language "...hybridizes to the complete complement of the nucleic acid of SEQ ID NO: 70..." and adds no new matter.

Claim Objections

The Examiner objects to the language "complement of the nucleic acid" in claims 17 and 95. See Action at page 2, item 1. The Examiner suggests amending those claims to recite "complete complement." See *id.* Solely to expedite prosecution and without acquiescing to the objection, applicants have amended claims 17 and 95 to recite the language "complete complement of the nucleic acid", as suggested by the Examiner. That amendment should obviate the Examiner's objection.

The Examiner objects to the language "an antibody" in claims 46, 62, and 63. See Action at page 2, item 2. The Examiner suggests amending those claims to recite "an isolated antibody." See *id.* Solely to expedite prosecution and without acquiescing to the objection, applicants have amended claims 46, 62, and 63 to include the

language "an isolated antibody", as suggested by the Examiner. Those amendments should obviate the Examiner's objection.

The Examiner objects to the language "hybridizes to the ...nucleic acid sequence of SEQ ID NO: 70" in claim 95. See Action at page 3, item 3. The Examiner suggests amending the claim to recite "hybridizes to...nucleic acid of SEQ ID NO: 70" See id. Solely to expedite prosecution and without acquiescing to the objection, applicants have amended claim 95 to recite "hybridizes to...nucleic acid of SEQ ID NO: 70", as suggested by the Examiner. That amendment should obviate the Examiner's objection.

Double Patenting

The Examiner rejects claims 17, 46, 59 to 66, 77 to 79, 87 to 89, and 95 under the judicially created doctrine of double patenting over certain claims of U.S. Patent No. 6,183,997. See Action at page 3, item 4.

As applicants have previously noted, without acquiescing to the rejection, if the claims are otherwise found in condition for allowance, applicants will file a terminal disclaimer.

Conclusion


If the Examiner does not consider the application to be in condition for allowance (but for the filing of a terminal disclaimer), applicants request that she call the undersigned at (650) 849-6658 to set up an interview.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 9, 2006

By: 
Michael R. Albrecht
Reg. No. 54,956
Customer No. 22,852